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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,556	10/03/2005	Ryusuke Nishida	SON-2987	3696

23353 7590 03/02/2009  
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EXAMINER

WILLS, LAWRENCE E

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

03/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/551,556

**Applicant(s)**

NISHIDA ET AL.

**Examiner**

LAWRENCE E. WILLS

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 6-30-08/10-3-05
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savoie (US Patent No. 6,571,051) in view of Norton (US Patent No. 6,016,380).

Regarding claims 1 and 6, Savoie'051 teaches an editing apparatus comprising: an edit list recognition unit (on-line suite, column 10, line 27) for recognizing an edit list describing edit contents in a general-purpose data description language (load EDL, 1001, Fig 10), the edit contents used for creating a series of video content (VT1) by editing a plurality of edit material (Fig. 9); a video content creation unit for creating the video content by performing an editing process on the plurality of edit material based on the edit contents of the edit list (sequence of video images is captured based on the loaded EDL, 1004, Fig. 10, and column 10, lines 40-45); an editing processor for performing an editing process on the video content created by the video content creation unit (edit job, 1006, Fig. 10, );

Savoie'051 fails to teach an edit list creation unit for creating a new edit list described in the general-purpose data description language based on the editing process executed by the editing processor.

Norton'380 teaches an edit list creation unit for creating a new edit list (notice 24 and 26 of Fig. 1) described in the general-purpose data description language based on the editing process executed by the editing processor (20, 22, Fig. 1).

Having a system of Savoie'051 reference and then given the well-established teaching of Norton'380 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the editing system of Savoie'051 reference to include creating new edit lists after editing as taught by Norton'380 reference, since doing so would allow more user flexibility in the editing process.

Regarding claim 2, Savoie'051 (in combination with Norton'380) teach the edit list recognition unit recognizes the edit list describing effect information and meta data information as contents of the editing process (capture hint, 606, Fig. 6).

Regarding claim 3, Savoie'051 (in combination with Norton'380) teach the video content creation unit creates the video content by executing the editing process after converting the plurality of edit material into a prescribed edit format suitable for the editing process (Fig. 10).

Regarding claim 4, Savoie'051 (in combination with Norton'380) teach the edit list recognition unit recognizes the edit list described in an XML as the general- purpose data description language (data encoded, column 2, line 39).

Regarding claim 5, Savoie'051 (in combination with Norton'380) teach the edit list recognition unit recognizes the edit list described in an SMIL (Synchronized Multimedia Integration language) in which the XML is specialized for video data and audio data (video or audio, column 8, lines 35-40).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE E. WILLS whose telephone number is (571)270-3145. The examiner can normally be reached on Monday-Friday 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/  
Supervisory Patent Examiner, Art Unit 2625

LEW  
February 17, 2009